

JAN 27 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GORDON GRAVELLE, o/a “CodePro
Manufacturing”,

Plaintiff - Appellant,

v.

JIM WEBB; et al.,

Defendants - Appellees.

No. 05-16083

D.C. No. CV-04-00135-KJD

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted January 23, 2006^{**}

Before: T.G. NELSON, SILVERMAN and BYBEE, Circuit Judges.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See*

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

05-16083

United States v. Hooton, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Appellees' have filed a motion for involuntary dismissal, which this court construes as a motion for summary affirmance and grants.

Accordingly, we summarily affirm the district court's judgment's dismissing the case and imposing sanctions.

Appellant's motion to consolidate this appeal with appeal no. 05-17116 is denied as moot.

AFFIRMED.